

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GREGORY McNEILL and WILMA
ARMER, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

OPENMARKET, INC., a Michigan
corporation, SPRINT SPECTRUM, L.P., a
Delaware limited partnership, NEXTEL
WEST CORPORATION, a Delaware
corporation,

Defendants.

No. 08-cv-01731-RSL

SPRINT'S PARTIAL OBJECTION TO
PLAINTIFFS' AND OPENMARKET'S
STIPULATED REQUEST TO CONTINUE
TO STAY PROCEEDINGS PENDING
SETTLEMENT, AND REQUESTED
MODIFICATION

SPRINT SPECTRUM, L.P. a Delaware
limited partnership, and NEXTEL WEST
CORP., a Delaware corporation,

Cross-Claimants,

v.

OPENMARKET, INC., a Michigan
corporation,

Cross-Defendant.

SPRINT'S PARTIAL OBJECTION TO REQUEST
TO CONTINUE TO STAY PROCEEDINGS
(NO. 08-01731-RSL) – 1

59113-0068/LEGAL18014634.1

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1 Defendants, Cross-Claimants, and Cross-Defendants Sprint Spectrum L.P. and Nextel
2 West Corp. (collectively, "Sprint"), by their undersigned counsel, hereby submit this partial
3 objection to, and requested modification of, the Stipulated Request to Continue to Stay
4 Proceedings Pending Settlement ("Stipulated Request to Stay"), D.E. #104, filed on April 1,
5 2010 by Plaintiffs Wilma Armer and Gregory McNeill ("Plaintiffs") and Defendant, Cross-
6 Claimant, and Cross-Defendant OpenMarket, Inc. ("OM"). Sprint is not a party to the
7 Stipulated Request to Stay.
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10 First, Sprint is not involved in the settlement negotiations with Plaintiffs and OM.
11 Second, Sprint does not oppose a stay of the Plaintiffs' action against Sprint and OM while the
12 Plaintiffs and OM explore settlement between them. Third, Sprint sought a modification
13 (explained below) of the Stipulated Request to Stay submitted by Plaintiffs and OM, who
14 refused.
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16 Specifically, Sprint requested that the current Stipulated Request to Stay include
17 language similar to paragraph 3 of the Court's January 28, 2010 "Order Granting Stipulated
18 Request to Stay Proceedings Pending Settlement Negotiations," D.E. #95 (copy attached),
19 which states: "The stay does not affect the briefing or consideration of Sprint's pending
20 Motion for Attorney Fees and Costs Reimbursement (Dkt. #86)" ("Motion for
21 Reimbursement"). Because the Motion for Reimbursement was fully briefed as of
22 January 29, 2010 and is under advisement, Sprint respectfully asks that, if the Court is
23 inclined to grant the Stipulated Request to Stay, the Order again expressly states that "the
24 stay does not affect the consideration of Sprint's pending Motion for Attorneys' Fees and
25 Costs Reimbursement (Dkt. #86)."
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1 DATED this 2nd day of April, 2010.

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3 /s/ Amanda J. Beane

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3 **CERTIFICATE OF SERVICE**
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5 On April 2, 2010, I electronically filed the foregoing with the Clerk of the Court
6
7 using the CM/ECF system, which will send notification of such filing to the following
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9 attorneys of record:
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31 I certify under penalty of perjury that the foregoing is true and correct.
32

33 DATED this 2nd day of April, 2010.
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